



GAIL FARBER, Director

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

40 August 4, 2015


PATRICK OGAWA
ACTING EXECUTIVE OFFICER

August 04, 2015

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**AWARD CONSTRUCTION CONTRACT
DISTRICT NO. 29 TANK RECOATING AND RETROFITS, PHASE II
IN THE CITY OF MALIBU AND IN THE
UNINCORPORATED COMMUNITY OF TOPANGA
(SUPERVISORIAL DISTRICT 3)
(3 VOTES)**

SUBJECT

This action is to award a construction contract to Spiess Construction Company, Inc., for District No. 29 Tank Recoating and Retrofits, Phase II, and authorize the Director of Public Works or her designee to execute a construction contract for work in the City of Malibu and in the unincorporated community of Topanga.

**IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE THE
LOS ANGELES COUNTY WATERWORKS DISTRICT NO 29, MALIBU:**

Award and authorize the Director of Public Works or her designee to execute a construction contract and establish the effective date following receipt of approved Faithful Performance and Labor and Material Bonds and insurance certificate filed by the contractor for Project ID No. WWD2900056 – District No. 29 Tank Recoating and Retrofits, Phase II, for recoating, retrofitting, and repairing four existing potable water tanks, in the City of Malibu and in the unincorporated community of Topanga, to Spiess Construction Company, Inc., in the amount of \$2,232,369.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to obtain approval of the project from the Board, acting as the governing body of the Los Angeles County Waterworks District No. 29, Malibu, to award this

construction contract, authorize the Director of Public Works or her designee to execute the construction contract, and establish the effective contract date following receipt of approved Faithful Performance and Labor and Material Bonds and insurance certificate filed by the contractor for this project.

On March 3, 2015, Agenda Item 25, the Board approved the project; adopted the plans and specifications; called for bids to be received on March 31, 2015; and instructed the Acting Executive Officer of the Board of Supervisors to advertise the project.

The enclosure includes the project description, the call for bids, and bid opening date, a tabulation of bids, and financial information. The certified record of receipt of bids and the original bid proposal are also enclosed for this project.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provisions of Operational Effectiveness/Fiscal Sustainability (Goal 1) and Integrated Services Delivery (Goal 3). Awarding this construction contract will provide improved infrastructure to better serve the public and enhance the quality of life in the affected community.

FISCAL IMPACT/FINANCING

This action will have no impact to the County General Fund.

The construction contract cost of \$2,232,369 is included in the Los Angeles County Waterworks District No. 29, Malibu, Accumulative Capital Outlay Fund Fiscal Year 2015 16 Budget.

The enclosure includes the amount of the recommended contract as compared with the engineer's estimate, the other bids received, and more detailed fiscal and financial information.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The contract agreement will be in the form previously reviewed and approved as to form by County Counsel. The recommended contract was solicited on an open-competitive basis and is in accordance with applicable Federal, State, and County requirements. The contractor is in compliance with the Interim Chief Executive Officer's and the Board's requirements.

This project is to be completed in 110 working days. It is anticipated the work will start in November 2015 and be completed in April 2016.

The award of this contract will be in full compliance with Federal, State, and County regulations. This contract contains terms and conditions supporting the Board's ordinances, policies, and programs including, but not limited to: the County of Los Angeles' Greater Avenues for Independence and General Relief Opportunities for Work Programs (GAIN and GROW), Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County Workers, Board Policy No. 5.110; Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; the County's Child Support Compliance Program, Los Angeles County Code,

Chapter 2.200; the County's Defaulted Property Tax Reduction Program Ordinance, Los Angeles County Code, Chapter 2.206; Local Business Enterprise Preference Program, Los Angeles County Code, Chapter 2.204; and the standard Board-directed clauses that provide for contract termination or renegotiation.

The State Public Contract Code requires the County to award construction contracts to a responsible contractor with the lowest responsive bid, which is defined as the firm that: (1) submits the bid with the lowest cost; (2) is deemed by the County to be responsive to specific criteria under the solicitation including, but not limited to, licensure, bonding, and insurance requirements; and (3) is determined by the County to be a responsible bidder by exhibiting the capability, capacity, experience, trustworthiness, and financial wherewithal to perform the work required under the bid solicitation.

To ensure the contract is awarded to a responsible contractor with a satisfactory history of performance, bidders are required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the Contractor's State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy No. 5.140, the information reported by each respective contractor was considered before making this recommendation to award.

The plans and specifications include the contractual provisions, methods, and material requirements necessary for this project and are on file with the Department of Public Works.

ENVIRONMENTAL DOCUMENTATION

On March 3, 2015, Agenda Item 25, the Board found this project to be categorically exempt from the provisions of the California Environmental Quality Act.

CONTRACTING PROCESS

The contract was solicited on an open-competitive basis in accordance with the provisions of the State Public Contract Code.

The State Labor Code requires contractors to pay prevailing wage rates to all persons employed on public works construction contracts. These rates are determined by the Department of Industrial Relations and include contributions for fringe benefits such as vacations, pension funds, training, and health plans for each employee.

To further increase contractor awareness of contracting opportunities with Public Works, this project was listed on both the County's "Doing Business with Us" and Public Works' "Contract Opportunities" websites for upcoming bids.

Public Works will review and approve the Faithful Performance and payment bonds filed by the contractor.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

This construction contract will result in improved public works infrastructure in the City and community where the work is scheduled.

CONCLUSION

Please return one adopted copy of this letter to the Department of Public Works, Construction Division.

Respectfully submitted,

A handwritten signature in black ink that reads "Gail Farber". The script is cursive and fluid, with the first name "Gail" and last name "Farber" clearly legible.

GAIL FARBER

Director

GF:JTS:ma

Enclosures

c: Chief Executive Office (Rochelle Goff)
County Counsel
Executive Office
Internal Services Department (Countywide
Contract Compliance)

AWARD CONSTRUCTION CONTRACT
August 4, 2015

PROJECT ID NO. WWD2900056 – District No. 29 Tank Recoating and Retrofits, Phase II (in the City of Malibu and in the unincorporated community of Topanga), Supervisorial District 3.

TYPE OF WORK: Recoating, retrofitting, and repairing four existing potable water tanks and the performance of other appurtenant work.

CALL FOR BIDS DATE: March 3, 2015 (Agenda Item 25)

BID OPENING DATE: March 31, 2015

BID SUMMARY:

Low	Spiess Construction Company, Inc. P.O. Box 2849 Santa Maria, California 93457 (805) 937-5859	\$2,232,369.00
2	Paso Robles Tank, Inc.	\$2,446,300.00

Carbon Activated Corporation and United Engineering and Construction, Inc., submitted bids in the amount of \$2,398,060 and \$2,459,940, respectively; however, their bids included subcontracted amounts exceeding 50 percent of the contract total. Therefore, their bids are considered nonresponsive and rejected as provided in the Instructions to Bidders.

FINANCIAL INFORMATION:

Amount of estimate, including the consultant services agreement	\$2,313,476.20
Amount of consultant services agreement	\$ 16,000.00
Amount of recommended contract	\$2,216,369.00
Amount of recommended contract and consultant services agreement below the estimate	\$ 81,107.20

The amount of the recommended contract including the consultant services agreement is 3.5 percent below the estimate.

On March 3, 2015, Agenda Item 25, the Board authorized the Director of Public Works or her designee to award and execute a consultant services agreement for \$16,000. The amount of the recommended contract award of \$2,216,369 represents the amount of the lowest responsive bid with the cost of the consultant services agreement subtracted from it.

Funding for this project is included in the Los Angeles County Waterworks District No 29, Malibu, Accumulative Capital Outlay Fund Fiscal Year 2015-16 Budget.

CSM:ma

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